

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)


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| Applicant's or agent's file reference S0012PCTWO1 | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416) | |
| International application No. PCT/EP 03/09389 | International filing date (day/month/year) 25.08.2003 | Priority date (day/month/year) 27.08.2002 |
| International Patent Classification (IPC) or both national classification and IPC B65C3/06 | | |
| Applicant SIG SIMONAZZI S.P.A. | | |

1. This International preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:
- I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

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| Date of submission of the demand 13.02.2004 | Date of completion of this report 10.11.2004 |
| Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016 | Authorized Officer Wartenhorst, F Telephone No. +31 70 340-3641 |



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP 03/09389

I. Basis of the report

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

2-12 as originally filed

Claims, Numbers

2 (part), 3-9 as originally filed

1, 2 (part) received on 16.09.2004 with letter of 13.09.2004

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 03/09389**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|-----|
| Novelty (N) | Yes: Claims | 1-9 |
| | No: Claims | |
| Inventive step (IS) | Yes: Claims | 1-9 |
| | No: Claims | |
| Industrial applicability (IA) | Yes: Claims | 1-9 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 Reference is made to the following documents:

D1: US-A-4 199 851 (DOHERTY THOMAS E) 29 April 1980 (1980-04-29)

D2: US-A-4 286 421 (FUJIO MASAOKI) 1 September 1981 (1981-09-01)

The document D2 was not cited in the international search report.

2 INDEPENDENT CLAIMS 1, 5

2.1 The document D2 is regarded as being the closest prior art to the subject-matter of claim 1, and shows (the references in parentheses applying to this document): A method and machine for forming tubular labels (column 4, lines 6-41) made of heat shrinkable film (column 1, lines 13-17) and adhering them on bottles comprising the step of transferring the bottle into the formed tubular label (column 4, lines 42, 43).

2.2 The subject-matter of claim 1 differs from this known method in that the transfer of bottles is provided by a downward movement of the bottles into the tubular labels.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

2.3 The problem to be solved by the present invention may be regarded as providing an alternative process requiring less mechanical parts and invariable for bottles with different heights.

2.4 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

The downward movement of the bottle into the tubular label results in a process for forming the label and adhering it on the bottle irrespective of the bottle's height and different from D2.

Document D1 discloses a rather similar label forming and adhering process but differs from the subject-matter in that the tubular label is transferred over the bottle, i.e. an inverse transfer movement. This results in the fact that the thin plastic tubular label is subjected to displacement and related acceleration forces instead of the bottles and hence, involves different problems related to a different

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP 03/09389

label forming and adhering process.

2.5 A similar reasoning applies to the subject-matter of independent claim 5.

3 DEPENDENT CLAIMS 2-4, 6-9

Claims 2-4, 6-9 are dependent on claim 1 and 5 respectively, and as such also meet the requirements of the PCT with respect to novelty and inventive step.

EPO - DG 1

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(7)

C L A I M S

1. Process for forming tubular labels made of heat shrinkable films and adhering them on bottles or containers, characterized by the fact that it provides the ~~insertion~~ ^{TRANSFERS} of the bottles or containers into the formed tubular labels by the fact that it provides the transfers of the bottles or containers into the formed tubular labels *

2. Process for forming tubular labels made of heat shrinkable films according to claim 1, comprising: the steps of unwinding and cutting a heat shrinkable film from a reel for obtaining precut labels having a length slightly longer than the cross-section perimeter of the bottle; the step of transferring the precut label by a drum provided with areas for drawing the precut label, characterized by the fact it comprises the additional steps of:

- winding the precut label on a rotating tubular-shaped plate supporting the container or bottle to be labelled;

- sealing both vertical overlapped ends of the precut label in a predetermined position for obtaining a tubular label, said sealing step comprising heat sealing or adhesives;

- removing the label from the tubular plate and transferring the plate and the container on it in order to insert the latter into the tubular label in

* by a down movement of said bottles or containers into the sleeve.